

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

CARLOS ARMENTA §  
v. § CIVIL ACTION NO. 5:05cv44  
JOHN RUPERT, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff Carlos Armenta, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Armenta's lawsuit raised allegations of denial of access to court in various ways, retaliation, cruel and unusual punishment, and deliberate indifference by the warden. Both he and the Defendants have filed motions for summary judgment.

After review of these motions, as well as the summary judgment evidence submitted by the parties, the Magistrate Judge issued a Report on July 14, 2006, recommending that the Defendants' motion for summary judgment be granted and that the lawsuit be dismissed. Armenta filed objections to this Report on July 26, 2006.

Armenta's objections to the Report consist largely of restatements of his claim and complaints that he did not get all of the discovery which he wanted. He asserts that he has provided sufficient evidence to show that he was harmed by the alleged denials of access to court and that he has adequately shown that he was the victim of retaliation. Armenta also says that he has sufficiently

shown that he was subjected to cruel and unusual punishment, that the warden was deliberately indifferent to his safety, and that the defendants are not entitled to immunity. His objections do not show that the Magistrate Judge's Report was in error.

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the original complaint, the motions for summary judgment, the competent summary judgment evidence, the Report of the Magistrate Judge, the Plaintiff's objections thereto, and all pleadings, documents, and records in the case. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the objections of the Plaintiff are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Defendants' motion for summary judgment is GRANTED and that the above-styled civil action be and hereby is DISMISSED with prejudice. It is further

ORDERED that any and all motions which may be pending in this action, including the Plaintiff's motions for further discovery and for a stay pending such discovery, are hereby DENIED.

**SIGNED this 14th day of August, 2006.**

  
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DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE